

Custody Assessment Procedures
(Instructions for Non-Lawyers)

FORMS ONLY AVAILABLE THROUGH THE LEGAL SELF HELP CENTER
OR FRIEND OF THE COURT

To initiate the custody assessment/investigation process, a Petition for Custody Assessment/Investigation must be filed with the 20th Judicial Circuit Court – Family Division. The Petition must state the relevant facts (as defined in the Michigan Child Custody Act) that serve as a basis for filing the motion/petition. The Petition must refer to each of the child custody factors set forth in the Custody Act. Be sure to fill out the forms completely.

Note: You must serve the other Party with a copy of the Petition, using either a process server or by mailing the Petition to that party. If the other party is not served a copy of the Petition, the Court and the Friend of the Court (FOC) cannot proceed in the matter

File your completed forms including the proof of service certifying that you have served the other party with the Clerk of the Court. Be sure to keep a copy of the Petition for yourself. According to statute you will be charged a twenty dollar (\$20.00) filing fee and an eighty dollar (\$80.00) Order entry fee. MCL 552.505(3) provides that Friend of the Court offices may charge parties who petition for a custody investigation or who bring a frivolous action for the costs of the investigation.

Upon the filing of a Petition for Custody Assessment, the FOC will schedule a “Diversion Conference” with both parties within 2 weeks. Both parties are required to attend the scheduled meeting and provide all requested materials. **In cases where a PPO or an abuse/neglect action is pending, or DV Screening indicates it is appropriate, this conference may be held with the parties separately, or not at all.** At the Diversion Conference, an FOC representative will explore the possibilities for early settlement and alternatives to litigation. If settlement results, FOC staff will assist the parties in preparing a stipulated order for entry with the court.

Following the Diversion Conference or any alternative action which fails to result in a settlement, the FOC will submit a recommendation to the Court which will recommend that the Court: deny the petition for a change of custody for lack of change of circumstances or proper cause; or grant the petitioner’s request for a full custody assessment/investigation.

The Court will review the recommendation and, if appropriate, prepare and sign an Order for Custody Assessment/Investigation. If an assessment/ investigation is ordered, the case will be set for a custody hearing within 56 days of the date of the order. The FOC will conduct an investigation and prepare a written report setting forth a summary of the issues raised by the parties, an assessment of the custody factors, and a recommendation to the Court regarding the issues. Any written reports or recommendations prepared by FOC staff will be presented to the Court and provided to the Parties or their attorneys prior to hearing.

In accordance with MCL 552.505(3), the Ottawa County Friend of the Court will assess a fee of **\$300.00** for the custody investigation. This fee shall be made payable in cash to the Ottawa County Friend of the Court office within ten (10) days of the receipt of a bill, or the fee shall be paid within the Court Ordered time period if a Court Order specifies a different due date. Failure to pay this fee in a timely manner may result in a delay or cancellation of the investigation.

Note: (An Ex Parte Order regarding custody may be entered **if appropriate and requested pursuant to MCR 3.207(B)**. The Ex Parte Order is subject to objection within 14 days of entry by either party).